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BEFORE THE
Federal Communications Commission

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WASHINGTON, D.C.

IN THE MATTER OF:

Amendment of 47 C.F.R. §73.202(b)
Table of FM Allotments
 (Livingston, Alabama)

To: Marlene H. Dortch, Secretary, FCC
 ATTN: Chief, Audio Division

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RM-11171

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Federal Communications Commission
 Office of Secretary

**MOTION FOR ACCEPTANCE OF LATE FILED COMMENTS
 AND COMMENTS OF SUMTER COUNTY BROADCASTING**

Comes now SUMTER COUNTY BROADCASTING ("Petitioner"), by Counsel and pursuant to Section 1.415 of the Commission's Rules, hereby respectfully submits its Motion for Acceptance of Late Filed Comments and Comments in support of the *Notice of Proposed Rule Making*, DA 05-575 (released March 4, 2005) ("*NPRM*") in the above-captioned rule making proceeding to amend the Table of FM Allotments Section 73.202(b) of the Rules, to add Channel 242A at Livingston, Alabama, as the community's first local aural transmission service. In support whereof, the following is shown:

Motion and Good Cause/ Public Interest Consideration

1. These Comments are being submitted two days out of time as a result of a misdirection of the Notice of Rulemaking to Counsel. The Notice was sent to the old address of counsel in Sterling, Virginia and was never received by counsel at the new address. The Comment due date was only discovered after a standard status check of pending Rulemaking request. The public interest will be served by the acceptance of these Comments so as to grant an opportunity to a community its first aural service. Petitioner hereby incorporates its prior Petition by reference herein. As set forth in its original Petition, Petitioner believes the public interest will be served by adopting the proposed amendment since it will provide Livingston, Alabama with its first local aural transmission in the service area. This new service will

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promote the Commission's goal of enhancing diversity of thought and opinion in the broadcast media as well as the charge of Congress to the Commission to ensure a fair, efficient, and equitable distribution of radio services in the United States¹.

Community Status of Livingston

2. Livingston is a 2000 U.S. designated city with a population of 3,297 persons. Livingston has a Mayor and a five-member City Counsel. Livingston also has its own police force, fire department, ten places of worship, several businesses, and is the home of the University of West Alabama.

Statement of Continuing Interest

3. Petitioner hereby reiterates its intention that, should the Commission grant Petitioner's request and ultimately adopt the proposed amendments to the FM Table of Allotments set forth in the *NPRM*, Petitioner will file an application and/or participate in an auction filing in which to obtain rights to the proposed Channel 242A at Livingston, Alabama.

Conclusion

WHEREFORE, the above premises considered, Petitioner respectfully urges the acceptance of these late filed Comments and that the Commission GRANT its Petition for Rule Making, and AMEND Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

<i>Community</i>	<i>Present</i>	<i>Proposed</i>
Livingston, Alabama	-----	242A

¹47 U.S.C. §307(b)

Respectfully submitted,

SUMTER COUNTY BROADCASTING

A handwritten signature in black ink, appearing to read 'John C. Trent', is written over a horizontal line.

By: _____

John C. Trent
Its Attorney

April 27, 2005

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